

**Relocation Plan**  
For  
**City of Riverside  
Magnolia Avenue  
Grade Separation Project**

Submitted on December 31, 2007

By

**Epic Land Solutions, Inc.**

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**EPIC:** *adj.* <sup>1</sup>Surpassing the usual or ordinary, particularly in scope or size; <sup>2</sup>Heroic and impressive in quality.  
(*The American Heritage Dictionary of the English Language*, Third Edition: Houghton Mifflin Company, 1996)

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## Introduction

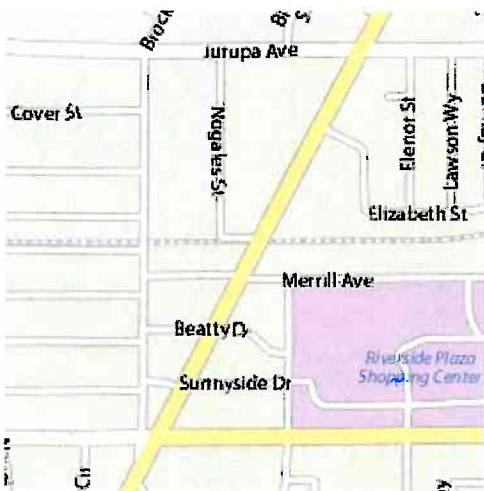
The City of Riverside has initiated action to attain property rights, for a railroad grade separation project, in the Magnolia Center Area of the City of Riverside. As a result of this project, thirteen (13) commercial properties, accommodating twenty seven (27) business enterprises, will be relocated.

Epic Land Solutions, Inc. has been retained by the City to prepare a Relocation Plan (Plan). The purpose of the Plan is to provide the City with information regarding the potential impact of the proposed project on the affected business occupants. The Plan offers:

- ✓ The results of a needs assessment survey.
- ✓ A study of available replacement sites.
- ✓ An overview of the City's proposed relocation program.

The Plan additionally sets forth policies and procedures that conform to statutes and regulations established by California Government Code Section 7260 and California Code of Regulations Title 25, Division 1, Chapter 6, Subchapter 1 ("Relocation Assistance and Real Property Acquisition Guidelines").

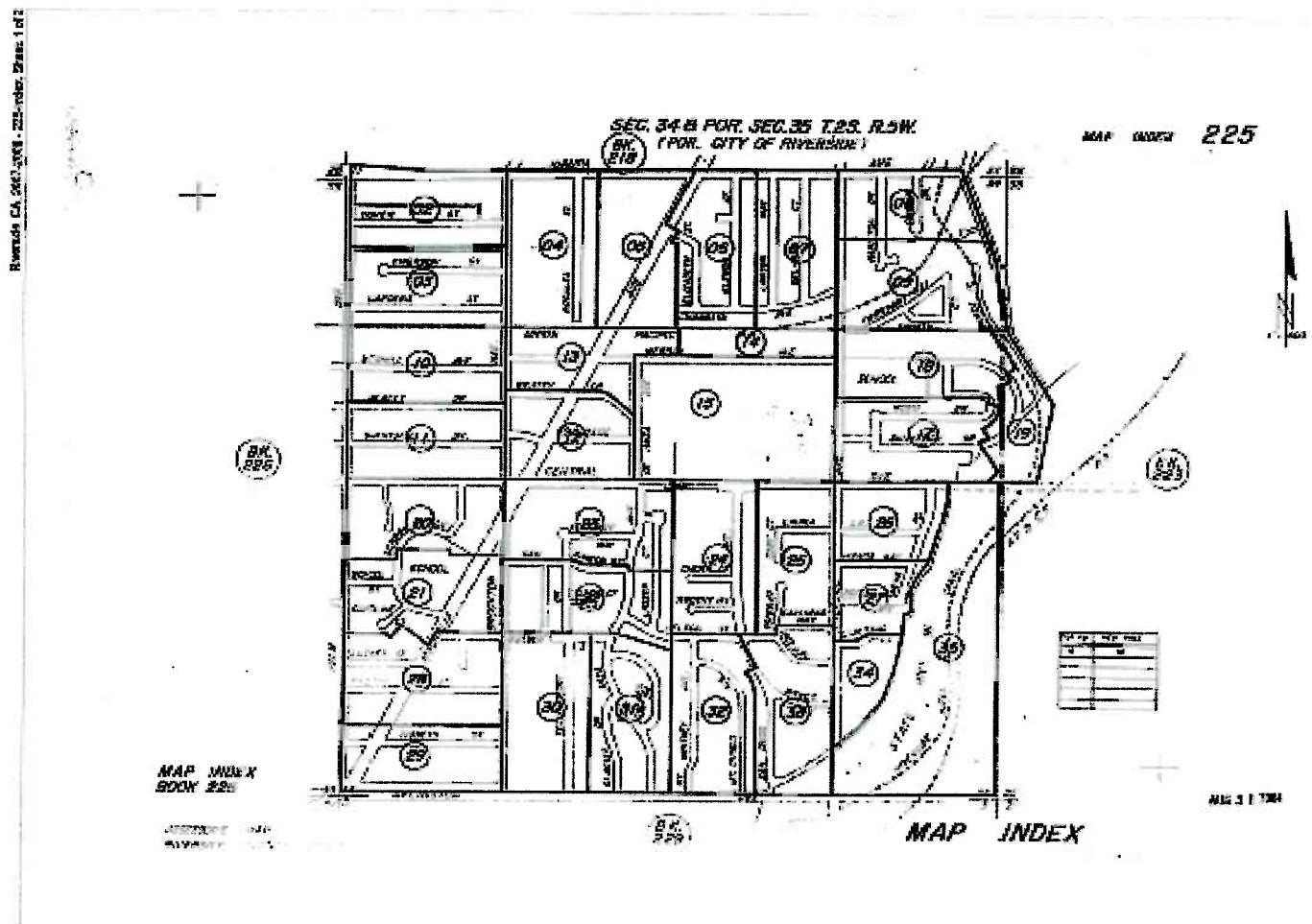
## Project Area Location



The project area site is located in the Magnolia Center area, North of Central Avenue, South of Jurupa Avenue, between Elizabeth Street and Merrill Avenue in the City of Riverside, California.

The affected properties are located in the 6100 to 6300 blocks of Magnolia Avenue. Below is the assessor's map showing the outlined project site for the businesses.

**6174 – 6359 MAGNOLIA AVENUE**





## Project Site Photographs

**6215 MAGNOLIA AVENUE –**  
Mijo's Tacos, Mexico Express, Dewalt Tools, Domino's Pizza



**6225-6239 MAGNOLIA AVENUE –**  
JZ Party Charm, Bodylines, Center for Spirituality, Salazar Law Enforcement,  
Crowley Interiors, Advantage Tax Service, Snap Attorney Service,  
Simple Mortgage Solutions



**6273, 6283, AND 6287 MAGNOLIA AVENUE –  
The Top Haircut, Local Threads**



**6311 MAGNOLIA AVENUE –  
Auto Service (Vacant)**



**6180 MAGNOLIA AVENUE –**  
Union Furniture, Erica's Critter Cutter



**6186 MAGNOLIA AVENUE –**  
Olympic Cleaners, Specialized Mercedes, Specialized Porsche





**6202 MAGNOLIA AVENUE –**  
Hanigan Company, Red Planet Records



**6299 MAGNOLIA AVENUE –**  
Patio 'N Pool Supply





**6203 MAGNOLIA AVENUE –  
Elliot's For Pets**



**6222 MAGNOLIA AVENUE –  
Center Lumber**



**6214 MAGNOLIA AVENUE –  
Jerl's Muffler and Brakes**



## Relocation Impact and Replacement Resources

### Commercial Project Occupants

The information utilized to prepare this Relocation Plan was obtained from personal interviews conducted with the occupant owners of businesses situated within the project limits. At the time of the interviews, in December 2006 - December 2007, twenty seven (27) businesses were successfully interviewed. The table below reflects the characteristics and relocation needs of all the displaced businesses.

APN	Grantor/Business	Type of Business	Monthly Rent	# of Sq. Ft.	# of Employees
225-133-021	Weiss/ VACANT	Retail	-	2900	-
225-133-029	Johnson/VACANT	Commercial office	-	2915	-
225-133-011	Crabtree/VACANT	Auto Service	-	1080	-
225-131-011	Loeb/Rvsd Pool and Patio	Retail	Owner occupant	3040	4-6
225-131-012	Thompson/La Villa Restaurant	Restaurant	\$1917.00	1960	4-6
225-131-012	Thompson/Top Haircut Styling	Retail	\$869.00	1000	2-4
225-131-012	Thompson/Local Threads	Retail	\$750.00	1100	2-4
225-042-023	Crowley/Crowley Interiors	Retail	Owner occupant	1400	2
225-042-023	Crowley/Univ. Self Defense	Retail	\$705.00	1200	1
225-042-023	Crowley/Adv. Tax Service	Office	\$590.00	1000	1
225-042-023	Crowley/Simple Mortgage	Office	\$380.00	1000	2-4
225-042-023	Crowley/Snapp Atty. Service	Office	\$505.00	1200	2-4
225-042-023	Crowley/Ctr. Cont. Spirit.	Office	\$352.50	1100	2
225-042-023	Crowley/Bodylines	Retail	\$352.50	1100	1
225-042-023	Crowley/Salazar Law Enforc.	Office	\$605.00	1200	2
225-042-023	Crowley/JZ Party Charms	Retail	\$3450.00	6600	4-6
225-051-028	Pensig/Mexican Express	Retail	\$1950.00	1500	2
225-051-028	Pensig/Dewalt's Tools	Retail	\$3675.00	1500	3
225-051-028	Pensig/Domino's Pizza	Retail	\$1904.00	1500	4-6
225-051-028	Pensig/Mijo's Tacos	Retail	\$1954.00	1500	4
225-051-028	Pensig/Elliott's For Pets	Retail	\$6250.00	3000	4-6
225-052-010	Eshelman/Center Lumber	Retail/Lumber yard	Owner occupant	4752	6-8
225-052-009	Robson/Jerl's Muffler	Auto Service	Owner occupant	1950	3-5
225-052-008	Hanigan/Hanigan Print Co.	Retail	Owner occupant	5250	6-8
225-052-021	Hall-Evans/Special Mercedes	Retail/Auto Service	\$2000.00	3700	2-4
225-052-021	Hall-Evans/Special Porsche	Retail/Auto Service	\$1500.00	3600	2-4
225-052-021	Hall-Evans/Olympic Cleaners	Retail	\$1500.00	2600	2-4
225-052-019	Hall-Evans/Red Planet Record	Retail	\$1500.00	4000	2
225-052-005	Blanco/Erica's Critter Cut	Retail	\$1800.00	1020	2-4
225-052-005	Blanco/Union Furniture	Retail	Owner occupant	4675	2

## Resource Survey Results

A summary of the resource survey is given below and shows the number of available comparable units which are of adequate size, contain the required square footage, egress/ingress, and their rent or purchase level.

<b>Available Commercial and Retail Rental Units in the Magnolia Center Areas as of 12/26/07</b>	
<b>Monthly Rental Rates</b>	<b>Units Available</b>
1.30sf/1600sf	2- 6771 Brockton Avenue – Street Retail
1.50sf/3200sf	1- 6702 Magnolia Avenue – Street Retail
1.55sf/1800sf	1- 7000 Indiana Avenue – Street Retail
1.75sf/2800sf	1- 7000 Indiana Avenue – Street Retail
1.65sf/4600sf	1- 7000 Indiana Avenue – Street Retail
1.25sf/1970sf	1- 3265 Van Buren Avenue – Auto Center
1.10sf/1500sf	1- 12321 Magnolia Avenue – Street Retail
1.65sf/1000sf	1-1430 C University Ave. – Neighborhood Ctr.
1.90sf/1829sf	1- 1430 N University Ave. – Neighborhood Ctr.
1.65sf/6000sf	5- 9185 Magnolia Avenue – Street Retail

Language is another integral factor when preparing a relocation program. Relocation laws, policies and procedures are complex and can be difficult to explain, even when both the relocation advisor and the occupant speak the same language. Of the twenty seven (27) businesses interviewed, all identified English as their primary language. If there were a need to utilize a bilingual speaking agent, Epic Land Solutions has qualified individuals on staff locally who are readily available to accommodate the language needs of the displaced business occupants.



## **Business Relocation Program**

### **Program Assurances and Standards**

There are adequate funds to relocate all the businesses in the affected area. The displacements are provided services that ensure they receive equal treatment. This treatment is not to be based on race, nationality, color, religion, national origin, sex, marital status, family status, disability or any other basis protected by the Federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Uniform Act, as well as any other arbitrary or unlawful discrimination.

No one will be displaced without a *90-Day Written Notice*, and not until functionally suitable replacement facilities can be identified and available, within the financial means of the displaced businesses as defined in section 6008, subdivision (c)(5) of the Guidelines. The relocation program to be implemented by the displacing entity conforms to the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines, California Health and Safety Code section 33410 et seq., if applicable, and all other applicable regulations and requirements.

### **Business Displacement**

The primary relocation requirements for the affected businesses will involve the availability of land and the securing of necessary zoning and development entitlements. The project area businesses will have to assess whether it is possible to stay on in a nearby location and be successful; access to clientele obviously being a key issue. For the businesses, cost, replacement site availability and timing will be an issue that affects the possibility of a successful relocation. Existing opportunities for business relocation are available throughout Riverside County.

### **Relocation Benefits**

Relocation benefits will be provided in accordance with the California Relocation Assistance Law, California Government Code section 7260 et seq. (CRAL), the Guidelines, and all other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The displacing city will provide appropriate benefits for each displaced business as required by the above laws and requirements, as follows:

## Business Moving Expense Payments

The following expenses are authorized pending required approvals and submission of necessary documentation:

- Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is justified;
- Packing, crating, uncrating and unpacking personal property;
- Such storage of personal property, for a period generally not to exceed 12 months as determined by the Agency to be necessary in connection with the relocation;
- Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;
- Insurance of personal property while in storage or transit and the replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person) in the process of moving, where insurance is not readily available;
- Subject to certain limitations, any license, permit, or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees, and consultants' charges necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: (1) the estimated cost to move the item to the replacement location; or, (2) the replacement cost, less any proceeds from its sale;
- Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply;
- Actual direct losses of tangible personal property resulting from moving or discontinuing a business or non-profit organization, not-to-exceed the lesser

of: (1) the fair market value of the property for continued use at its location prior to the displacement; or, (2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations;

- Actual and reasonable expenses incurred in searching for a replacement business or non-profit organization location, not-to-exceed \$1,000, and including compensation for transportation expenses; time spent searching for a reasonable location; meals; lodging; and, real estate broker or agent fees;
- A Reestablishment allowance of up to a total of \$10,000, available to farms, nonprofit organizations and small businesses of not more than 500 employees, payable, in addition to moving expense payments, for actual, reasonable and necessary expenses including, but not limited to:
  - ❖ Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance
  - ❖ Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting businesses
  - ❖ Construction and installation costs for exterior signing to advertise the business
  - ❖ Provision of utilities from right-of-way to improvements on the replacement site
  - ❖ Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting
  - ❖ Licenses, fees and permits when not paid as part of moving expenses
  - ❖ Professional services in connection with the purchase or lease of a replacement site
  - ❖ Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
    1. Lease or rental charges
    2. Personal or real property taxes
    3. Insurance premiums, and
    4. Utility charges, excluding impact fees.
  - ❖ Impact fees or one-time assessments for anticipated heavy usage
  - ❖ Other items essential to the reestablishment of the business

### **Payment of Relocation Benefits**

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the displacing entity within eighteen (18) months from: (i) the date the claimant moves from the

acquired property; or (ii) the date on which final payment for the acquisition of real property is made, whichever is later. Procedures for preparing and filing of claims and processing and delivering of payments will be as follows:

- Claimant to provide all necessary documentation to substantiate eligibility for assistance.
- Assistance amounts will be determined and required claim forms prepared by relocation staff in consultation with claimant.
- Original signed claims supported by documentation and relocation personnel recommendation will be submitted to the designated City staff member or his/her designee.
- Payments will be prepared and delivered to relocation staff for distribution. Payments will be delivered personally by relocation personnel unless circumstances dictate otherwise. When payments can not be personally delivered, they will be sent by certified mail.
- Payment receipts and other signed acknowledgments will be obtained by relocation personnel and kept in the case file.
- Unless otherwise instructed by the City, relocation staff will not deliver final payments until the project area premises of the claimant have been completely vacated. Before issuance of final payments, actual occupancy at the replacement site must be verified.
- The City will provide an advance payment, when necessary, in order to assist with the securing of a suitable replacement site for the displaced business.

### **Eviction Policy**

The City recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any action taken to evict. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the business occupant refuses all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.

### **Appeals Policy**

The appeals policy will follow the standards described in section 6150 et seq. of the Guidelines. Briefly stated, the displaced business occupant will have the right to ask for review when there is a complaint regarding any of its rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to comply with all regulations stipulated by the relocation legislation.



### **Projected Dates of Displacement**

Displaced business owners (tenants) will receive a 90-day written notice to vacate before they are required to move. These notices are expected to be issued on or about June 1, 2008, depending on the anticipated date for issuance for the Order of Possession, if the City exercises its option to initiate condemnation proceedings. A 30-day written notice to vacate will be issued with a copy of the order for Possession, once it is issued by the Court.

### **Estimated Relocation Costs**

The City anticipates using local funds for this project.

This estimate should not be interpreted as firm, "not to exceed," or actual entitlement costs. The estimate is based on the data obtained through occupant interviews, current project scope, replacement site availability, estimated moving costs, and the judgment and experience of the consultant's staff.

Total estimated relocation costs for this project: **\$1,550,000.00.**

**APPENDIX A**

**GENERAL INFORMATION NOTICE**

# Epic Land Solutions, Inc.

3941 Brockton Avenue, Suite 3  
Riverside, CA 92501

Voice: 951-321-1800

## CITY OF RIVERSIDE MAGNOLIA GRADE SEPARATION PROJECT

### GENERAL INFORMATION NOTICE

**THIS NOTICE DOES NOT REQUIRE YOU  
TO MOVE AT THIS TIME**

**IF YOU MOVE PRIOR TO RECEIVING  
A NOTICE OF ELIGIBILITY,  
YOU MAY NOT BE ELIGIBLE FOR RELOCATION BENEFITS**

Dear Property Occupant:

The City of Riverside is interested in acquiring the property you occupy at 6100-6300 Magnolia Avenue, Riverside, CA 92506, for the *Magnolia Grade Separation Project*. This notice is to inform you of your rights. If the City of Riverside acquires the property and you are displaced by the proposed project, you may be eligible for relocation assistance.

Displaced individuals, families, businesses, farms and nonprofit organizations may be eligible for relocation advisory services and payments provided by the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended, hereafter referred to as the Uniform Act. The following is information about available relocation services and payments.

**MOVING EXPENSES** may be paid to those who are required to relocate from property acquired by the City of Riverside.

**RESIDENTIAL OWNER-OCCUPANTS** may be paid replacement housing payments, increased interest cost payments and some of the costs incidental to purchase of replacement homes if they have actually owned and occupied their homes for at least 180 days immediately before the City of Riverside makes its first written offer to purchase their home.

**RESIDENTIAL OWNER-OCCUPANTS** who have actually owned and occupied their homes for less than 180 days, but more than 90 days before the City of Riverside makes its first written offer to purchase the property, may be eligible for the same payments made to residential tenants described in the next paragraph.

# Epic Land Solutions, Inc.

3941 Brockton Avenue, Suite 3  
Riverside, CA 92501

Voice: 951-321-1800

**RESIDENTIAL TENANTS** may be eligible for increased rental cost payments or a payment toward the purchase of their own home if they have actually occupied their dwelling for at least 90 days immediately before the City of Riverside makes its first written offer to purchase that property.

**BUSINESSES, FARMS AND NONPROFIT ORGANIZATIONS** may be eligible for various payments including reestablishment costs.

**WHEN PAYMENTS CAN BE MADE** – No relocation payment can be made until the (Agency) has made a written offer to acquire the real property where the person lives or operates their business, farm or nonprofit organization, and the person has moved from the premises.

Residential homeowners or tenants of dwelling units may receive relocation assistance payments only if they either purchase or rent and occupy a dwelling which meets the (Agency) standards as decent, safe, and sanitary. The (Agency) should be asked to inspect the replacement dwelling before you rent or buy it.

**RESIDENTIAL OWNER-OCCUPANTS** of 180 days or longer must purchase and occupy a decent, safe and sanitary dwelling unit within one year of receiving final payment for the acquired property or had at least one comparable replacement property made available to them, whichever occurrence is later.

**RESIDENTIAL TENANTS** must occupy a decent, safe and sanitary dwelling within one year after vacating the acquired property to receive a relocation assistance payment. No person who is lawfully occupying real property required for the project will be asked to move without first being given at least 90 days advance notice, in writing. No occupants of any type of dwellings, eligible for relocation payments, will be required to move unless adequate decent, safe and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex, or national origin, has been made available to them by the (Agency) or they have secured such housing for themselves.

**LEGAL RESIDENCY** – Under federal law, residents not lawfully present in the United States are ineligible for relocation payments and assistance. Under California, all displaced persons are entitled to benefits. Your relocation agent can advise you regarding the benefits to which you are entitled.

**APPEALS** - The Uniform Act provides that a person may appeal to the head of the responsible (Agency) if the person believes that the (Agency) has failed to properly determine the person's eligibility or the amount of payment authorized by the Act. You have the right to be represented by legal counsel, but this is not required.

If you still believe a proper determination has not been made, you may seek judicial review.



# Epic Land Solutions, Inc.

3941 Brockton Avenue, Suite 3  
Riverside, CA 92501

Voice: 951-321-1800

**NONDISCRIMINATION** – All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

If you have any questions, please contact **Epic Land Solutions, at (951) 321-1800.**

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance. If the Agency decides not to purchase the property, you will be notified in writing. Before you can receive relocation benefits or assistance, you will be required to certify that you and your family are either citizens or nationals of the United States, or aliens who are lawfully present in the United States.

Sincerely,

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Epic Land Solutions  
Right-of-Way Relocation Consultant  
for the City of Riverside

## **APPENDIX B**

### **RELOCATION BROCHURE/BUSINESS (Relocation Assistance to Tenants Displaced From Their Business)**

## **Epic Land Solutions, Inc.**

3941 Brockton Avenue, Suite 3  
Riverside, CA 92501

Voice: 951-321-1800  
Fax: 951-321-1836

### **CITY OF RIVERSIDE MAGNOLIA GRADE SEPARATION PROJECT**

### **RELOCATION ASSISTANCE TO DISPLACED BUSINESSES, NONPROFIT ORGANIZATIONS AND FARMS**

#### **Introduction**

This booklet describes the relocation payments and other relocation assistance provided under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)** to displaced businesses, nonprofit organizations and farms. This includes any such occupant that moves from real property, or moves personal property from real property, as a direct result of rehabilitation, demolition or acquisition for a Federal project or a project in which Federal funds are used. If you are notified that you will be displaced, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

**Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.**

This booklet may not answer all of your questions. If you have more questions about your relocation, contact the Agency's representative responsible for the project. (Check the back of this booklet for the name of the person to contact.) Ask your questions before you move. Afterwards, it may be too late.

#### **Summary of Relocation Assistance**

As an eligible displaced person, you will be offered the following advisory and financial assistance:

- **Advisory Services.** These include referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.

- **Payment for Moving and Reestablishment Expenses.** Payments for moving, reestablishment and related expenses fall into two general categories:

- Every displaced person is eligible to receive a Payment for **Actual Reasonable Moving and Related Expenses**. If you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses**, up to \$10,000.
- Certain persons are eligible to choose a **Fixed Payment** as an alternative to the payments for moving and reestablishment expenses.

If you disagree with the Agency's decision as to the relocation assistance for which you are eligible, you may appeal that decision.

### **General Questions**

#### **How Will I Know I Am Eligible For Relocation Assistance?**

You should receive a written notice explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not be eligible for relocation assistance.

#### **How Will The Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for a replacement location and other services. The interviewer will ask about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

#### **How Soon Will I Have To Move?**

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.



## **How Will I Find A Replacement Location?**

The Agency will provide you with current information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need.

While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to assure that there are no zoning or other requirements which will unduly restrict your planned operations. The Agency will explain the kinds of moving and reestablishment costs that are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

## **What Other Assistance Will Be Available To Help Me?**

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State, and local programs that may be of help in reestablishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses. The Agency will assist you in applying for help available from government agencies. The range of services depends on the needs of the business being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you.

## **I Have A Replacement Location And Want To Move. What Should I Do?**

Before you make any arrangements to move, notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

## **I Plan To Discontinue My Business Rather Than Move. What Should I Do?**

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible and the requirements that must be met to obtain the payment.

## **I Own This Property. Will I Be Paid For It Before I Have To Move?**

If you reach a negotiated agreement to sell your property to a public Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems.)

Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.) Ask the Agency to provide you a copy of the HUD information brochure, "When a Public Agency Acquires Your Property." If you have any questions about the acquisition of your property, please contact the public Agency.

## **What Is A Payment For Actual Reasonable Moving And Related Expenses?**

If you choose a Payment For Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable and necessary cost of:

- Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Agency.)
- Packing, crating, uncrating, and unpacking the personal property.
- Disconnecting, dismantling, removing, reassembling, and installing relocated and "substitute" machinery, equipment and other personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property that are necessary to adapt it to the replacement structure, the replacement site or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property.
- Storage of personal property for a reasonable period of time, if required.
- Insurance for the replacement value of the personal property in connection with the move and necessary storage. Where insurance is not available on reasonable terms, the Agency may elect to "self-insure" the replacement value of property lost, stolen, or damaged in the move (but not through your neglect).
- Any license, permit or certification required of the displaced person at the replacement location. However the cost must be reasonable and necessary to reestablishment at the replacement location and the

payment may be based on the remaining useful life of the existing license, permit, or certification.

- Professional services, necessary for (1) planning the move of the personal property, (2) moving the personal property, or (3) installing relocated or "substitute" personal property at the replacement location.
- Re-lettering signs and replacing stationery on hand at the time of the displacement and made obsolete as a result of move.
- The reasonable cost incurred in attempting to sell an item that is not relocated.
- Actual direct loss of tangible personal property. This payment provides compensation for property that is neither moved nor promptly replaced with a "substitute" item at the replacement location. Payment is limited to the lesser of:

(1) the estimated cost of moving and reinstalling the personal property or (2) the market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines that such effort is not necessary. Payment for the loss of goods held for sale shall not exceed the cost of the goods to the displaced person.

- Purchase and installation of "substitute" personal property. This payment is made when an item of personal property is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site. Payment will be limited to the lesser of: (1) the estimated cost of moving and reinstalling the item, or (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale or trade-in of the replaced item. It is important that you discuss your plans with the Agency before you proceed.

- Searching for a replacement location. Generally, this payment may not exceed \$2,500. It covers costs for:

- Transportation expenses.
- Time spent searching for a replacement location, based on reasonable salary or earnings.
- Reasonable fees paid to a real estate agent or broker to find a replacement location (not fees related to the purchase of the site).
- Meals and lodging away from home.

The Agency will explain all eligible moving and related costs, as well as those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed

to support your claim. You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your personal property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency.

If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim. You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, select your mover with care. The Agency can help you select a reliable and reputable mover.

Also, keep the Agency informed about your moving plans. You must provide the Agency reasonable advance written notice of the approximate date of the start of your move or disposition of your personal property and a list of the items to be moved, unless the Agency agrees to waive this requirement. And you must permit the Agency to make reasonable and timely inspections of the personal property at the old and new locations and to monitor the move. When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item will be based on the lowest acceptable bid or estimate obtained by the Agency. If not sold or traded in, you must transfer ownership of the item to the Agency in order to receive the payment.

### **What Is A Payment For Reestablishment Expenses?**

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive Payment for Reestablishment Expenses, not to exceed \$10,000. Such expenses include the reasonable and necessary cost of:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make a replacement structure suitable for conducting the business.
- Construction and installation costs for exterior signs to advertise the business.
- Provision of utilities from the right-of-way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.



- Licenses, fees and permits that are not paid as part of moving expenses.
- Feasibility surveys, soil testing and marketing studies.
- Advertisement of the replacement location.
- Professional services and incidental expenses in connection with the purchase or lease of a replacement property.
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as (1) lease or rental charges, (2) personal or real property taxes, (3) insurance premiums, and (4) utility charges, excluding impact fees.
- Impact fees or one-time assessments for anticipated heavy utility usage.

### **What Is A Fixed Payment (Alternative Allowance)?**

Certain businesses, nonprofit organizations and farms are eligible to obtain a Fixed Payment (Alternative Allowance). If you receive this payment, you will not receive a Payment for Actual Reasonable Moving and Related Expenses or a Payment for Reestablishment Expenses. The Fixed Payment to a business or farm operation is based on the average annual net earnings of the business or farm operation; the Fixed Payment to a nonprofit organization is based on average annual expenses and revenue. A Fixed Payment will not be less than \$1,000, nor more than \$20,000.

To qualify for a Fixed Payment:

- A displaced business must (1) either discontinue operations or be unable to relocate without a substantial loss of existing patronage (measured in terms of clientele or net earnings at the discretion of the Agency), (2) meet certain minimum income requirements, and (3) not be part of a commercial enterprise having more than three other entities under the same ownership, engaged in the same or similar business activities, that are not being displaced. (Also, certain rental businesses are excluded.)
- A displaced nonprofit organization must discontinue operations or be unable to relocate without a substantial loss of its existing patronage.
- A displaced farm operation must meet certain minimum income requirements.

Ordinarily, to be eligible for the minimum Fixed Payment, a displaced business or farm must have (1) had average annual gross receipts of at least \$5,000, or (2) had average annual net earnings of at least \$1,000, or (3) contributed 1/3 of the owner's or operator's average gross income, for the two tax years prior to displacement. The Agency, however, may use other criteria if it determines that

the test would cause an inequity or hardship. The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim. Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving expenses.

### **Must I File A Claim For A Relocation Payment?**

Yes. You must file a claim for a relocation payment. The Agency will, however, provide you with the required claim form, help you to complete it, and explain the type of documentation that you must submit in order to receive the payment.

If you must pay any relocation expenses before you move (e.g., a security deposit to lease a new location), discuss your needs with the Agency. You should be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you are displaced from property that you own, you must file within 18 months after the later of: the date you move, or the date you receive the final acquisition payment. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you must take to resolve the matter.

### **Will I Have To Pay Rent To The Agency Before I Move?**

If the Agency acquires your property, you may be required to pay a fair rent to the Agency for the period between the acquisition of the property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

### **Do I Have To Pay Federal Income Taxes On My Relocation Payments?**

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal tax advisor.

### **If I Don't Receive The Required Assistance, Can I Appeal?**

Yes. If you disagree with the Agency's decision as to your right to a relocation payment or the amount of a payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency after you receive written

notification of the Agency's determination on your claim. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal. If you are not satisfied with the Agency's final decision on your appeal, you may seek review of the matter by the courts.

**I Have More Questions. Who Will Answer Them?**

If you have further questions after reading this booklet, contact the Agency's representative and discuss your concerns with the Agency representative.

**APPENDIX C**

**NOTICE OF ELIGIBILITY**  
**(Non-Residential)**

# Epic Land Solutions, Inc.

3941 Brockton Avenue, Suite 3  
Riverside, CA 92501

Voice: 951-321-1800  
Fax: 951-321-1836

## NOTICE OF ELIGIBILITY (Non-Residential)

Date \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City State Zip \_\_\_\_\_

**RE: Project:** \_\_\_\_\_  
**Site Address:** \_\_\_\_\_

Dear \_\_\_\_\_:

On \_\_\_\_\_, 2008, the \_\_\_\_\_ made an offer to purchase the property that you occupy. As the eligible business occupant of the property, you are entitled to certain benefits under \_\_\_\_\_'s Relocation Assistance Program. These benefits are outlined below. It is vitally important that you understand the conditions described below which must be met before any payments can be made.

As the business occupant of the property, you are entitled to:

### 1. RELOCATION ADVISORY ASSISTANCE

Epic will help you find a new place to conduct your business. Information on and maps of available properties, typical real estate purchase and rental costs, and the services offered by other agencies in the area are also available. If you want assistance, please contact \_\_\_\_\_ at ( ) \_\_\_\_-\_\_\_\_.

### 2. MOVING AND RELATED EXPENSES:

Businesses may be paid on the basis of actual reasonable moving and related costs and reestablishment expenses as \_\_\_\_\_ determines to be reasonable and necessary. The following moving expenses may be considered by \_\_\_\_\_:

- a. Transportation of personal property limited to 50 miles or less. Distances beyond 50 miles are not eligible, unless \_\_\_\_\_ determines that relocation beyond 50 miles is justified.



- b. Packing, crating, unpacking, and uncrating of personal property.
- c. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property, and certain substitute personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right of way to the building or improvement are excluded.)
- d. Storage of personal property not to exceed 12 months, unless \_\_\_\_ determines that a longer period is necessary.
- e. Insurance for the replacement value of personal property in connection with the move and necessary storage.
- f. Any license, permit, or certification required of your business at the replacement location. However, the payment shall be based on the remaining useful life of your existing license, permit, or certification.
- g. Licenses, fees, and permits.
- h. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business. The payment shall consist of the lessor of:
  - (i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, you must make a good faith effort to sell the property, unless \_\_\_\_ determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or
  - (ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.)
- i. The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- j. Purchase of substitute personal property. If an item of personal property that is used as part of a business is not moved but is promptly replaced

with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:

- (i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
  - (ii) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by Epic for eligible moving and related expenses, but with no allowance for storage.
- k. Searching for a replacement location. A displaced business is entitled to reimbursement for actual expenses, not to exceed \$1,000 as \_\_\_\_ determines to be reasonable, which is incurred in searching for a replacement location including:
- (i) Transportation.
  - (ii) Meals and lodging away from home.
  - (iii) Time spent searching, based on reasonable salary or earnings.
  - (iv) Fees paid to a real estate agent or broker to locate a replacement site (exclusive of any fees or commissions related to the purchase of such site).
- l. Other moving related expenses as \_\_\_\_ determines to be reasonable and necessary.

**CAUTION:** In order to qualify for reimbursement of the above-described expenses, you must:

- Provide Epic with a certified list or inventory of the items to be moved at least thirty (30) days in advance of the start of your move;
- Notify Epic at least fifteen (15) days in advance of the date of the start of your move or disposition of your property;
- Permit Epic to monitor the move; and
- Permit Epic to make reasonable and timely inspection of the personal property at both the displacement and replacement sites.

Failure to comply with any of the above four (4) requirements may result in your losing part or all of your benefits.

As a matter of information, you should also be aware that you are not entitled to payment, under the relocation regulations, for:

- Interest on a loan to cover moving expenses; or
- Personal injury; or
- Costs for storage of personal property on real property owned or leased by the displaced person.

You may move either by commercial mover or take full responsibility for all or part of the move. If you elect a "self-move", Epic must first obtain at least two (2) acceptable bids or estimates.

-AND-

### 3. REESTABLISHMENT EXPENSES

In addition to the payments available above, a small business may be eligible to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing at a replacement site.

Reestablishment expenses must be reasonable and necessary as determined by \_\_\_\_\_. They may include, but are not limited to, the following:

- a. Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- b. Modifications to replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- c. Construction and installation costs for exterior signage or advertise the business.
- d. Provision of utilities from right of way to improvements on the replacement site.
- e. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- f. Feasibility surveys, soil testing, and marketing studies.
- g. Advertisement of replacement location.
- h. Professional services in connection with the purchase or lease of a replacement site.
- i. Estimated increased costs of operation during the first two years at the replacement site, for such items as:

1. Lease or rental charges,
  2. Personal or real property taxes,
  3. Insurance premiums, and
  4. Utility charges, excluding impact fees.
- k. Impact fees or one-time assessments for anticipated heavy utility usage.
- l. Other items that \_\_\_\_ considers essential to the reestablishment of the business.

As a matter of information, you should be aware that you are not entitled to payment under reestablishment regulations for any of the following:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- Purchase of manufacturing material, production supplies, product inventory or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site that are purely aesthetic in purpose except as paid in "e." above.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home, which does not contribute materially to the household income.

-OR-

#### 4. FIXED PAYMENT IN LIEU OF PAYMENT FOR ACTUAL MOVING AND RELATED EXPENSES AND REESTABLISHMENT EXPENSES:

In lieu of a payment for actual moving and related expenses and reestablishment expenses, you may elect to receive an amount equal to your business' recent average annual net earning in an amount not less than \$1,000 nor more than \$20,000. A displaced business is eligible for the payment if \_\_\_\_ determines that:

- a. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.

- b. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless \_\_\_\_\_ determines that it will not suffer a substantial loss of its existing patronage.
- c. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by \_\_\_\_\_, and which are under the same ownership and engaged in the same or similar business activities.
- d. The business is not operated at the displacement site solely for the purpose of renting the site to others.
- e. The business contributed materially to the income of the displaced person during the two taxable years prior to displacement.

If you lease or rent from \_\_\_\_\_, failure to pay necessary rental payments to \_\_\_\_\_ may reduce the relocation payment that you will receive.

If you are refused a relocation payment by \_\_\_\_\_ or believe the payment offered is not enough, you may appeal. No legal assistance is required. Additional information about the appeal procedure will be provided to you, if you desire.

Moving and related payments are not considered as income for the purposes of personal income tax laws. Furthermore, these payments are not considered income or resources to recipients of public assistance. Relocation payments are normally made within sixty (60) days of the date that your completed claim is received by Epic.

You will be given at least 90 days written notice before you will be required to move from the property.

It is important that you understand the matters explained above that relate to your eligibility. If at any time you want assistance, please contact \_\_\_\_\_, your relocation advisor, at (\_\_\_\_) \_\_\_\_-\_\_\_\_.

Sincerely,



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**ACKNOWLEDGMENT**

Epic's relocation advisor personally contacted me, and the available services and entitlement were explained to me. I have been advised that Epic's relocation advisor will be available to answer any questions that may arise or if assistance is needed. I have been given a copy of this letter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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